

1 ROBERTSON & BENEVENTO
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3 Nevada Bar No. 003676
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5 Las Vegas, Nevada 89119
6 702/433-2000
7 Attorney for Debtor(s)
8 generaldelivery@nevlawyers.com

9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF NEVADA

11 In re:) In Bankruptcy
12) BKS-09-21756-BAM
13) Chapter 13
14 MICHAEL and DEBORAH)
15 HUDANISH,) Hearing Date: 12/15/09
16) Hearing Time: 1:30 P.M.
17 Debtor(s).)

18 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY AND**

19 **CERTIFICATE OF SERVICE**

20 Debtor(s), MICHAEL and DEBORAH HUDANISH, by and through their counsel
21 undersigned, hereby opposes the Motion for Relief from Automatic Stay filed by WELLS
22 FARGO BANK, ("Creditor"). This Opposition is based upon the following Memorandum
23 of Points and Authorities.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

- 25 1. The property is the Debtor's primary residence.
- 26 2. Creditors interest in the collateral is adequately protected by a sufficient
- 27 equity cushion in the property.
- 28

1 3. The collateral is necessary to an effective reorganization.

2 4. Debtor disputes the post petition arrears alleged by creditor and a payment
3 history is requested. To the extent debtor is delinquent in post petition payments, debtor
4 offers to enter into a Stipulation for Adequate Protection.
5

6 For the foregoing reasons, Debtor requests that the Motion for Relief from
7 Automatic Stay be denied, and that an Adequate Protection Order be entered according to
8 proof.
9

10 DATED this 9th day of December, 2009.

11 ROBERTSON & BENEVENTO

12
13 /s/ SAM BENEVENTO

14 By: _____

15 SAM BENEVENTO
16 Nevada Bar No. 3676
17 1945 East Warm Springs
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19 702/433-2000
20 Attorney for Debtors
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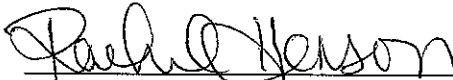
CERTIFICATE OF SERVICE

I, Rachel Henson, an employee of Robertson & Benevento hereby certify that a true and correct copy of the above and foregoing Opposition was mailed this 9th day of December, 2009 to:

Michael & Deborah Hudanish
7516 Clifton Gardens
Las Vegas, NV 89166

Kathleen Leavitt
201 Las Vegas Blvd South #200
Las Vegas NV 89101
(sent by ECF)

Wilde & Associates
208 South Jones Blvd.
Las Vegas, NV 89107


Rachel Henson, an Employee of
ROBERTSON & BENEVENTO